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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

|  |   |                            |
|--|---|----------------------------|
| JOSHUA BRIGGS                          | ) |                            |
| Plaintiff,                             | ) |                            |
| vs.                                    | ) |                            |
|  | ) |                            |
| OREAN YI in his personal capacity; and | ) | Case No. 3:22-cv-00265-SLG |
| MUNICIPALITY OF ANCHORAGE,             | ) |                            |
| Defendants.                            | ) |                            |
| _____                                  | ) |                            |

**MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants Yi and Anchorage herein move for partial summary judgment on Count VI of the Complaint, which asserts that AMC 8.30.120(A)(2) is unconstitutional. This motion incorporates here, by reference, the defendants' Opposition to Motion for Preliminary Injunction, filed of even date at Docket 23.<sup>1</sup> The arguments at Docket 23 demonstrate the defendants' entitlement to judgment as a matter of law.

Summary judgment is appropriate where there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law.

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<sup>1</sup> See D.Ak. Local Rule 5.1(f)(2).

[Fed.R.Civ.P. 56.] Material facts are those that might affect the outcome of the case.

Anderson v. Liberty Lobby, Inc. 477 U.S. 242, 248 (1986). A party seeking summary judgment bears the initial burden of informing the court of the basis for its motion and identifying those portions of the record that demonstrate the absence of a genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986).

To reach a level of genuine dispute, the evidence must be such as to allow “a reasonable fact-finder to return a verdict for the non-moving party”. Anderson, 477 U.S. at 248. “If the evidence provided by the non-moving party is ‘merely colorable’ or ‘not significantly probative,’ summary judgment is appropriate.” Millo v. Delius, 872 F.Supp.2d 867, 872 (D. Alaska 2012).

Respectfully submitted this 15<sup>th</sup> day of February, 2023.

ANNE HELZER  
Acting Municipal Attorney

By: /s/ Sean Halloran  
Sean Halloran, Alaska Bar 9211080  
Assistant Municipal Attorney

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the following by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

Thomas A. Dosik

/s/ Amber Cummings  
Amber Cummings, Legal Secretary  
Municipal Attorney’s Office